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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 White Cap Construction Supply, Inc. ,

12 Plaintiff,

13 vs.

14 The Domain Name *oceanographical.com*, in
rem, TierraNet, Inc., Domain Name Registrar,

15 Defendant.

CASE NO. 07cv2064WQH

ORDER

16 HAYES, Judge:

17 The matter before the Court is Plaintiff's Motion to Enter Default Judgment (Doc. # 13).

18 On October 17, 2007, Plaintiff filed a Complaint Against Domain Name in rem to
19 Transfer Domain Name Under the Anticyber-squatting Consumer Protection Act, 15 U.S.C.
20 § 1125(d). (Doc. #1). The Complaint sought an order "directing TierraNet, the domain name
21 registrar, to transfer the domain name registration and ownership of the domain name
22 *whitecap.com* to plaintiff permanently" and cost of suit. (Doc. #1 at 6).

23 On January 29, 2008, the Clerk of the Court entered an order of default on the grounds
24 that the Defendant withdrew the answer. Plaintiff now moves the Court to enter default
25 judgment "to transfer the domain name *whitecap.com* to Plaintiff." (Doc. # 13 at 1).

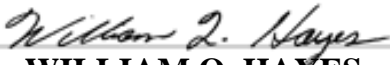
26 **RULING OF THE COURT**

27 Pursuant to the order of default, Defendant TierraNet is deemed to have admitted the
28 well-pleaded averments of the Complaint, other than damages. Fed. R. Civ. P. 8(b)(6). The

1 well-pleaded averments of the Complaint support a finding that Esrey/*oceanographical.com*
2 registered the domain name *whitecap.com* with a bad faith intent to profit from the mark. 15
3 U.S.C. Section 1125(d)(1)(A). The Anticybersquatting Consumer Protection Act provides that
4 the Court may order transfer of the domain name to the owner of the mark. 15 U.S.C. Section
5 1125(d)(1)(C).

6 IT IS HEREBY ORDERED that Plaintiff's Motion to Enter Default Judgment (Doc.
7 # 13) is granted. Plaintiff shall submit a proposed default judgment for signature by the Court
8 within ten days of this order.

9 DATED: August 27, 2008

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11 **WILLIAM Q. HAYES**
12 United States District Judge
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